

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**



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Application of Pacific Gas and Electric Company To  
Revise Its Electric Marginal Costs, Revenue  
Allocation, and Rate Design (U 39 M)

Application 06-03-005

**REQUEST OF THE UTILITY REFORM NETWORK  
FOR AN AWARD OF COMPENSATION FOR  
SUBSTANTIAL CONTRIBUTION TO DECISION 07-09-004**

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**REQUEST OF THE UTILITY REFORM NETWORK  
FOR AN AWARD OF COMPENSATION FOR  
SUBSTANTIAL CONTRIBUTION TO DECISION 07-09-004**

Pursuant to §1801 et seq. of the Public Utilities (PU) Code and Article 17 of the Commission's Rules of Practice and Procedure, The Utility Reform Network (TURN) submits this request for award of compensation in the amount of \$99,899.98 for substantial contribution to Decision (D.) 07-09-004, issued in this proceeding, Phase 2 of Pacific Gas & Electric Company's (PG&E) 2007 general rate case. D.07-09-004 adopted uncontested settlement agreements on electric marginal costs, principles for revenue allocation to the customer class level and the design of tariff schedule rates. D.07-09-004 also adopted, with modifications advocated by TURN, a contested settlement agreement regarding new submetering in commercial properties, referred to in D.07-09-004 as the "Master Meter Settlement."

In the sections that follow, TURN satisfies the requirements of PU Code § 1801 et seq. and Article 17 of the Commission's Rules of Practice and Procedure in demonstrating our worthiness of an award of compensation for substantial contribution to D.07-09-004. In sum, TURN's advocacy shaped the settlement agreements on marginal cost, revenue allocation and residential and small commercial rate design, of which we were a sponsoring party. Likewise, TURN's advocacy in opposition to the Master Meter Settlement persuaded the Commission that the settlement would not be in the public interest without modification.

**I. PRELIMINARY ELIGIBILITY REQUIREMENTS**

TURN has satisfied the preliminary eligibility requirements for an award of compensation. TURN filed a timely Notice of Intent to Claim Compensation in this proceeding on May 26, 2006. On June 21, 2006, Administrative Law Judge (ALJ) Fukutome found TURN

eligible for compensation and affirmed TURN's significant hardship, as defined in the PU Code.

Additionally, this request for an award of compensation is timely filed. Under Rule 17.3 of the Commission's Rules of Practice and Procedure (Rule 17.3) and PU Code § 1804(c), an intervenor may file a request for compensation either within 60 days after the issuance of a final order or decision in which an issue raised through the intervenor's participation is addressed, or within 60 days of the final decision or order closing the proceeding. (*See* D.00-07-013.)

Consistent with this requirement, this request is being filed within 60 days of September 7, 2007, the date of issuance (mailing) of D.07-09-004.

Section 1804(c) further requires that a compensation request include a detailed description of services and expenditures and a description of the customer's substantial contribution to the hearing or proceeding. In the following sections, TURN satisfies these requirements.

## **II. SUBSTANTIAL CONTRIBUTION**

Generally, it is difficult to identify specific contributions to a settled outcome since Rule 12.6 of the Commission's Rules of Practice and Procedure precludes disclosure of settlement discussions, and because each settlement term reflects a negotiated compromise between various parties. Furthermore, D.07-09-004 does not provide any summary of the various parties' positions regarding marginal costs, revenue allocation and rate design, thus making it harder to assess TURN's substantial contribution to these uncontested settlements on the face of that decision. Nevertheless, TURN's contributions to those settlements can be inferred by comparing our testimony recommendations with PG&E's position in its direct testimony (no party served rebuttal testimony), as well as with the specific provisions of the Settlement Agreements, attached to D.07-09-004. It is apparent from a close reading of the marginal cost, revenue

allocation and rate design Settlement Agreements and accompanying documents that TURN's participation was integral in reaching an equitable, settled outcome. As for the contested Master Meter Settlement, TURN's contribution is more obvious, as TURN's contentions are explicitly addressed in D.07-09-004.

As described in the sections that follow, TURN submits that our contributions here easily satisfy the standard for substantial contribution to D.07-09-004. Under these circumstances, the Commission should award TURN compensation for all of our reasonable advocate's fees, expert witness expenses, and other reasonable costs incurred in preparing or presenting our contentions and recommendations, pursuant to Section 1802(i). This is consistent with the recognition in the intervenor compensation statute that full compensation may be warranted even where less than full success is achieved by the intervenor. (PU Code §§ 1802(i) and 1803.) It is also consistent with the Commission's practice on past compensation requests, especially in proceedings with a broad scope and a settlement of most or all of the disputed issues. (*See* D.05-08-027 (in PG&E GRC Phase 1, A.02-11-017); D.05-07-020 (in Edison GRC Phase 2, A.02-05-004).)

#### **A. Standard of Evaluation for Substantial Contribution**

Section 1802(i) of the PU Code defines "substantial contribution" as follows:

‘Substantial contribution’ means that, in the judgment of the commission, the customer's presentation has substantially assisted the commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer. Where the customer's participation has resulted in a substantial contribution, even if the decision adopts that customer's contention or recommendations only in part, the commission may award the customer compensation for all reasonable advocate's fees, reasonable expert fees and other reasonable costs incurred by the customer in preparing or presenting that contention or recommendation.

The Commission has elaborated on the statutory standard for “substantial contribution”

as follows:

A party may make a substantial contribution to a decision in various ways. It may offer a factual or legal contention upon which the Commission relied in making a decision. Or it may advance a specific policy or procedural recommendation that the ALJ or Commission adopted. A substantial contribution includes evidence or argument that supports part of the decision, even if the Commission does not adopt a party's position in total. The Commission has provided compensation even when the position advanced by the intervenor is rejected. (D.99-08-006, 1999 Cal. PUC LEXIS 497, \*3-4).

Accordingly, the Commission has granted compensation where a parties' participation contributed to the decision-making process even if specific recommendations were not adopted, and where a parties' showing assisted the Commission in its analysis of an issue. (*See, for example*, D.98-11-014, p. 8 ("TURN contributed to D.97-08-055 by raising this issue and developing the record on the implications of this conflict.")) Likewise, the Commission has awarded compensation where an intervenor's arguments, "though ultimately unsuccessful, enriched the Commission's deliberations and the record by encouraging debate over the full range of legal, policy and implementations issues associated with" the recommendations before the Commission. (D.06-02-016, pp. 9-10). Thus, the Commission has interpreted the Section 1802 definition, in conjunction with Section 1801.3, so as to effectuate the legislature's intent to encourage effective and efficient intervenor participation.

While the Commission has held that mere "participation in settlement negotiations" is not sufficient to guarantee productive participation, it has also recognized that active participation in settlements does justify compensation, especially when it contributes to the development of a record that assists the Commission. (D.00-07-047, p. 6; D.00-07-015, p. 5.)

## **B. Procedural Background and Summary**

On March 2, 2006, PG&E served its testimony containing proposals for marginal costs, revenue allocation and rate design. PG&E served updated testimony on June 26, 2007, and the Division of Ratepayer Advocates' (DRA's) testimony followed on September 13, 2007.

Intervenor testimony was served on October 27, 2006. TURN served testimony sponsored by two expert witnesses, William Marcus and Mike Florio, on that date. No party served rebuttal testimony.

Extensive settlement negotiations occupied parties, including TURN, from September of 2006 through April of 2007. The success of those negotiations resulted in the filing of several motions for adoption of settlement agreements to which TURN was a settling party. The first, filed February 9, 2007, proposed to resolve marginal cost and revenue allocation issues (the "MC/RA Settlement"). Then on March 16, 2007, a settlement motion addressing residential rate design (among other things) was filed (the "Residential RD Settlement"). Finally, TURN was a settling party to the proposed small light and power rate design settlement, filed with accompanying motion for adoption on April 27, 2007 (the "Small L&P RD Settlement"). At the same time, a proposed settlement between PG&E and BOMA on commercial master metering was filed (the "Master Meter Settlement"). While TURN had actively engaged in settlement negotiations regarding this issue, TURN contested the proposed settlement on May 22, 2007.

TURN was active in all aspects of this Phase 2 proceeding leading to D.07-09-004. After conducting discovery, TURN submitted extensive testimony concerning a wide range of marginal cost, revenue allocation and rate design issues. Then TURN participated in negotiations for each of the above-described settlements. Once these settlement negotiations commenced, TURN's attorneys and experts devoted substantial time and resources to the review

and revision of numerous spreadsheets with revenue allocation and rate design results from various testimony and settlement proposals. TURN additionally conducted discovery regarding the proposed Master Meter Settlement, and, as noted above, filed comments contesting that settlement and proposing modifications.

TURN was successful, in cooperation and coordination with DRA, in minimizing large rate increases that PG&E and other intervenors had proposed for residential customers and achieving a more equitable settled outcome. It is difficult to take credit for specific numerical differences, due to the confidentiality provisions governing settlement negotiations. However, a general sense of the impact of TURN's participation can be gained by noting that PG&E alleged that the residential class average bundled rate should increase by 5.7% based on full cost rates, though PG&E recommended 75% movement to full cost. (PG&E Update Testimony, 6/26/06, pp. 2-2 – 2-3.) PG&E thus proposed to increase the residential class average bundled rate by 3.9% above system average percent change (SAPC), with non-CARE customers experiencing an increase of 4.4%. (PG&E Update Testimony, 6/26/06, p. 2-2.) The final settlement brought that increase down to 2.8% for the residential class, or 3.2% for non-CARE residential customers. (MC/RA Settlement, pp. 13-14.)

### **C. Marginal Cost, Revenue Allocation, and Rate Design Settlement Agreements Joined by TURN**

The following paragraphs describe a few of TURN's recommendations on marginal costs, revenue allocations, and rate design, and compare them with PG&E's positions and with the final terms of the Settlement Agreements adopted by D.07-09-004. As noted above, because parties reached a settlement on marginal cost, revenue allocation and rate design before serving rebuttal testimony, all of the give and take on these issues occurred through confidential



settlement negotiations. The range of dispute between parties was, as usual in Phase 2 GRCs, substantial, with large customer representatives advocating marginal costs and revenue allocation policies designed to shift costs to residential customers, TURN and DRA vigorously defending the residential class from their proposals, and PG&E usually somewhere in the middle. Add to these tensions those created by agricultural customer representatives and other intervenors, each advocating methodologies and policies that would assign costs to customers other than their own constituents. Thus, simply comparing TURN's recommendations with PG&E's and the settled outcome does not accurately capture the extent of TURN's success. Nonetheless, the examples discussed below highlight TURN's involvement in the negotiation and settlement process.

TURN prepared extensive testimony regarding marginal cost principles and methodologies, as well proposed marginal costs. All parties agreed to exclude from the Marginal Cost / Revenue Allocation Settlement any calculation principles. Instead, the MC/RA Settlement adopts marginal cost values for the limited purposes described in the Settlement. (MC/RA Settlement, p. 5.) Additionally, the agreed upon marginal costs "were considered by the Settling Parties in the negotiation of the settled revenue allocation recommendation but were not the sole basis of that recommendation." (MC/RA Settlement, p. 6.) The interrelationship between the agreed upon marginal costs and revenue allocation principles, and the limitations placed on the application of the marginal costs adopted here, render the underlying marginal costs less critical for some parties than they otherwise might have been in this proceeding. While Rule 12.6 prohibits the disclosure of details concerning the give and take of parties during settlement negotiations, the values adopted by the MC/RA Settlement reflect TURN's central role in the negotiation process. TURN succeeded at helping to craft a package of marginal costs and revenue allocation principles (discussed below) that, taken together, significantly limited the

increase in costs assigned to residential customers for this rate case cycle.

TURN also prepared extensive testimony on revenue allocation principles and proposing revenue allocation for generation costs (PG&E bundled generation resources and DWR costs); CARE discount costs; non-CARE Public Purpose, CTC, and Nuclear Decommissioning Costs; and certain costs included in the distribution revenue requirement (CSI and SGIP, interruptible rate credits, demand response program costs, and energy efficiency incentives). For instance, TURN argued against the changes to the CARE allocation methodology proposed by PG&E, instead advocating the long-standing equal cents per kWh allocation. (TURN Testimony, p. 51.) The MC/RA Settlement preserves the equal cents per kWh allocation for CARE costs. (MC/RA Settlement, p. 13.) Likewise, TURN recommended that CARE rates not increase, and the MC/RA Settlement incorporates this term. (TURN Testimony, p. 60; MC/RA Settlement, p. 12.)

Furthermore, TURN recommended that non-CARE public purpose costs be allocated using an EPMC-generation allocator including Direct Access (DA) loads, because these programs – mostly energy efficiency and renewables – are generation-related rather than related to distribution wires. (TURN Testimony, p. 50.) PG&E had proposed that non-CARE public purpose program (PPP) costs continue to be allocated using current methods but be updated partially in future proceedings. TURN urged that, “At minimum, if a total system average percentage (SAP) revenue allocation is used for PPP as proposed by PG&E (for allocating PPP rate changes in future proceedings), DA customers’ revenue must include imputed generation revenue.” (TURN Testimony, p. 50 (emphasis added).) The Settlement adopts a SAPC allocator with DA loads included for the Low Income Energy Efficiency and Procurement Energy Efficiency costs that are collected through PPP rates. (MC/RA Settlement, p. 13.)

Similarly, TURN proposed that interruptible rate credits and energy efficiency incentives

– two costs included in distribution rates -- be allocated by EPMC-generation including DA loads, as they too are generation-related rather than related to distribution wires. (TURN Testimony, p. 55.) PG&E advocated EPMC distribution allocation of these costs. The MC/RA Settlement adopts SAPC with DA loads included as the allocator for interruptible rate credits. (MC/RA Settlement, p. 12.) The Settlement thus represents significant movement towards TURN’s position, as SAPC with DA loads assigns the residential class approximately 40% of these costs, compared with 36.45% by EPMC-generation (TURN’s proposal) and over 50% by EPMC-distribution (PG&E’s position).<sup>1</sup> While otherwise silent on the issue of energy efficiency incentives, the MC/RA Settlement explicitly confirms that the settlement is not in any way precedential regarding future allocation of these costs. (MC/RA Settlement, p. 12.)

TURN also proposed that solar program costs (CSI and SGIP) be allocated using equal cents per kWh, rather than EPMC-distribution as proposed by PG&E, because these costs are more public-purpose related than related to distribution wires, and because 70% of solar rebates have gone to non-residential customers since 1998. (TURN Testimony, pp. 54-56.) TURN noted that “an equal cents approach (and excluding CARE/FERA) would result in an allocation of costs which closely matches expected direct benefits to the class from the CSI program.” (TURN Testimony, p. 57.) The MC/RA Settlement adopts SAPC with DA loads included as the allocator for these costs. (MC/RA Settlement, p. 12.) The Settlement thus represents significant movement towards TURN’s position, as SAPC with DA loads assigns the residential class approximately 40% of these costs, compared with 31% by (TURN’s proposal) and over 50% by EPMC-distribution (PG&E’s position).

Finally, the MC/RA Settlement caps the increase to average bundled residential rates

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<sup>1</sup> PG&E proposed a 56.61% EPMC-distribution allocation to the residential class, whereas TURN proposed a

residential class at 2.8%. (MC/RA Settlement, p. 13.) While TURN argued that residential rates should see at most a nominal increase because they are already at cost of service, TURN agreed with DRA that caps on the order of 2% would be reasonable. (TURN Testimony, p. 46.) PG&E, in contrast, proposed a 3.9 % increase to average bundled residential rates, which appeared notably modest compared to proposals of other intervenors. (PG&E Update Testimony, p. 2-2.)

TURN's advocacy is also reflected in the Residential RD Settlement, which was built upon the RA Settlement. (Residential RD Settlement, p. 5.) Accordingly, total bundled residential CARE rates remain unchanged, consistent with TURN's position discussed above. (Residential RD Settlement, p. 6.)

TURN also argued that solar program costs associated with the Commission's implementation of SB 1 (California Solar Initiative) should not result in any rate increase for the first 130% of baseline usage, because rates for 130% of baseline already include more than an equitable share of solar rebate costs. (TURN Testimony, pp. 63-67.) Thus, TURN recommended that rates for 130% of baseline remain unchanged. The Residential RD Settlement clearly reflects the policy considerations raised by TURN and adopts a very minimal increase to 130% of baseline rates for CSI costs. As the Settlement explains:

The Settling Parties took into consideration the total CSI revenue requirement in 2007 and the methods used to set total residential rates in the past, the net incremental solar costs created by the implementation of new CSI revenue requirements, a reduction in revenue requirements for the Self Generation Incentive Program, the revised inter-class allocation methodology for CSI and SGIP costs contained in the February 9 settlement [the MC/RA Settlement], and an appropriate methodology for spreading these costs among all rate tiers. Accordingly, the Settlement [sic] Parties agree to increase total non-CARE rates in each tier by the negotiated CSI rate. (Residential RD Settlement, p. 9.)

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50.66% allocation to the residential class. (TURN Testimony, p. 57.)

TURN also recommended that the change in allocation from current rates to the entire non-CARE residential class be consolidated, with any resulting rate changes for each of Tiers 3, 4 and 5 being equal in cents per kWh for the three classes. (TURN Testimony, p. 63.) The Residential RD Settlement provides, “While the rate restrictions of AB 1X are in effect, revenue increases to the residential class will be implemented as proportional changes to the generation surcharges in Tiers 3, 4 and 5 as required to collect the revenue allocated to the residential class.” (Residential RD Settlement, p. 8.) TURN, together with DRA, also reached agreement with PG&E that if revenue allocation decreases to the residential class in excess of 3% are expected, PG&E will consult with TURN and DRA to determine whether a different inter-tier allocation should be used, though rates for usage up to 130% of baseline will not be reduced. (Residential RD Settlement, p. 8.)

As described in the Residential RD Settlement, TURN also worked cooperatively with PG&E and the Western Manufactured Housing Communities Association (WMA) to resolve issues concerning the master meter discount for submetered mobilehome parks. (Residential RD Settlement, pp. 6-8.) The Settlement embodies this agreement, which preserves the discount agreed to by TURN, PG&E and WMA in PG&E’s 2004 GRC Phase 2 (A.04-06-024). Likewise, the Settlement reflects TURN’s commitment to continue working with PG&E and WMA to resolve issues related to the master meter discount left pending here. This aspect of the Residential RD Settlement reflects TURN’s efforts to protect ratepayers from the significant increases to the master meter discount advocated by WMA, while still providing submetered park owners with a reasonable discount with which to serve their tenants.

Last but not least, TURN participated in the settlement negotiations leading to the Small L&P RD Settlement, to which we were a party. Although TURN did not address small light and

power rates in our testimony, instead focusing on residential rate design, TURN addressed minimum charges and intra-class revenue allocation for small commercial customers during settlement discussions with parties.

Of course, such a summary review does not do justice to TURN's participation in the proceeding. The testimony sponsored by TURN witnesses Bill Marcus and Mike Florio addressed a wide range of load forecast, marginal cost, revenue allocation and rate design issues. TURN submits that the quality of the analysis in the testimony and the well-known and well-earned reputations of those witnesses on such issues, as well as the high caliber of TURN's lawyers handling the proceeding, helped achieve the overall settlements.

In light of the adoption of the settlements reflecting TURN's positions on a variety of issues, and the overall outcome that reduced the increase to the residential class revenue allocation to a level notably lower than proposed by the utility and far lower than proposed by other parties, the record amply illustrates that TURN's contributions to D.07-09-004 on marginal cost, revenue allocation and rate design constitute a substantial contribution to this proceeding.

#### **D. Commercial Building Master Meter Settlement Agreement**

In D.07-09-004, the Commission also addressed the Commercial Building Master Meter Settlement proposed by PG&E and BOMA.<sup>2</sup> TURN opposed the Master Meter Settlement, but also offered several modifications to address some of the proposed settlement's shortcomings, in the event the Commission intended to adopt the settlement. (*See D.07-09-004, p. 39; Comments of The Utility Reform Network Contesting the Commercial Building Master Meter Settlement*

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<sup>2</sup> BOMA, in prepared intervenor testimony, submitted a proposal that PG&E's Rule 18 be modified to lift the ban on new commercial submetering. Shortly thereafter, PG&E initiated settlement negotiations regarding BOMA's proposal, and TURN actively participated in these negotiations for several months. TURN's hours and expert witness fees devoted to these settlement negotiations are included in this request for compensation, as well as our work following the submission by PG&E and BOMA of their proposal settlement agreement.

*Agreement*, May 22, 2007, p. 2). In response, the Commission conditioned its approval of this Settlement on PG&E's and BOMA's acceptance of consumer protection modifications advocated by TURN, as well as reporting requirements the Commission deemed necessary based on TURN's showing. Because PG&E and BOMA accepted these conditions, the Commission adopted the modified settlement in D.07-09-004. (D.07-09-004, p. 56).

The Commission clearly noted the substantial contribution of TURN to its treatment of the Master Meter Settlement:

In its comments, TURN has raised legitimate issues and questions related to the reasonableness of the settlement. While the replies of BOMA and PG&E adequately address many of TURN's concerns, imposition of certain conditions related to monitoring and customer information are necessary to support a finding that the settlement is reasonable in light of the record. (D.07-09-004, p. 35).

In concluding that new commercial submetering should be monitored, the Commission explained:

However, in considering the reasonableness of the settlement, we agree with certain of the concerns raised by TURN. The ultimate cost to commercial tenants, especially compared to what is now embedded in rent, whether or not commercial tenants will actually be afforded opportunities to more efficiently meet their electricity needs, and whether or not commercial tenants will actually be able to more efficiently meet their electricity needs are considerations that must be taken seriously. While BOMA indicates that its members have incentives to keep building owner charges for electricity low, that it is in the public interest that building owners participate in dynamic pricing and energy conservation programs, and that BOMA will encourage its members to do so, there is little on the record that quantifies the effect of building owner charges for meters, meter reading and billing services or quantifies the potential dynamic pricing and energy conservation effects and savings that might accrue under the MM settlement. Rather than dismissing or delaying commercial building master metering because of these concerns, which may or may not evolve into actual problems, we would rather monitor the program as it develops and then address any actual problems as needed. (D.07-09-004, pp. 36-37; *see also* Finding of Fact 10, 11, Conclusion of Law 2(a)).

Accordingly, the Commission conditioned adoption of the settlement on PG&E's and BOMA's agreement to conduct a statistically significant survey regarding commercial building master

metering experience to date, addressing 14 issues described by D.07-09-004. (D.07-09-004, pp. 37-39).

Next, the Commission adopted many of the consumer protections TURN recommended. TURN argued that the Settlement should be modified to prohibit the use of submeters to allocate common costs to tenants. (*See* D.07-09-004, p. 39). The Commission agreed. “To the extent that it is not clear in the MM [Master Meter] settlement, we clarify that submeters shall not be used to allocate common costs to tenants.” (D.07-09-004, p. 40; *see also* Finding of Fact 6, 7).

Additionally, TURN argued that tenants should be provided with the same information currently provided to residential submetered tenants pursuant to D.04-11-033 and D.05-05-026. (*See* D.07-09-004, pp. 40-42). The Commission agreed, explaining:

Knowing the rate schedule of the master meter and contact information that might be of assistance in addressing meter, meter reading or billing problems is essential and we will require such information be made available to commercial tenants. In response to BOMA, we note that having consumer protections in a body of State law may be much different than tenants knowing the protections exist at all and knowing who to contact when problems arise. (D.07-09-004, p. 42).

More specifically, the Commission agreed with TURN that tenants should be provided with 1) the PG&E rate schedule serving the master meter, 2) the contact information for PG&E, 3) the contact information for the California Department of Food and Agriculture meter complaint process, and 4) notification that tenant controlled energy charges will be removed from rent when submetering commences. (D.07-09-004, pp. 42-43; *see also* Finding of Fact 12(a), Conclusion of Law 2(b)). Likewise, the Commission agreed that PG&E should respond to inquiries from submetered commercial tenants and at least provide information about the rate schedule applied to the master meter and explain how it calculates its bills on that rate schedule. (D.07-09-004, p. 43; *see also* Finding of Fact 12(b), Conclusion of Law 2(b)). Similarly, TURN argued that the Master Meter Settlement could permit tenants to “receive bills from building



owners that may or may not provide clear and useful information, such as would allow a tenant to verify charges.” (D.07-09-004, p. 27). The Commission responded by requiring “that the building owner should provide sufficient information and guidance for their submetered customers to be able to replicate and verify their total bills.” (D.07-09-004, p. 44, Finding of Fact 13(a), Conclusion of Law 2(b)).

Finally, in response to TURN’s concerns about whether submetered tenants would benefit at all from dynamic pricing options and utility energy efficiency programs in managing their energy usage, the Commission required building owners to “provide information on dynamic pricing options and all energy efficiency programs that are relevant to its submetered customers, including those programs that require landlord assistance for participation.” (D.07-09-004, p. 44; *see also* Finding of Fact 13(b), Conclusion of Law 2(b)).

In sum, the Commission’s treatment of the Master Meter Settlement Agreement in D.07-09-004 very clearly reflects the significant impacts of TURN’s efforts.

### **III. OVERALL BENEFITS OF PARTICIPATION AND LACK OF DUPLICATION**

#### **A. Overall Benefits of Participation**

In D.98-04-059, the Commission adopted a requirement that a customer must demonstrate that its participation was “productive,” as that term is used in § 1801.3. (D.98-04-059, pp. 31-33). The Commission directed customers to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. The Commission stated that such an assessment would ensure that: 1) ratepayers receive value from compensated intervention; and 2) only reasonable costs are compensated. (D.98-04-059, p. 73.)

As stated earlier, it can be difficult to take credit for specific numerical differences, due to both the confidentiality provisions governing settlement. However, the final numbers give the

Commission a general sense of the impact of TURN's participation. PG&E argued that the residential class average bundled rate should increase by 5.7% based on full cost rates, but proposed an increase of 3.9% above the system average percent change (SAPC). In the final settlement, the residential class average bundled rate increase was 2.8% greater than SAPC. Likewise TURN preserved residential CARE rates at present levels, and protected rates for 130% of baseline usage from all but very minor increases due to escalating solar program costs. TURN additionally ensured that other increases or any decreases to residential non-CARE rates would equitably flow to Tiers 3, 4, and 5.

Finally, by persuading the Commission that modifications were necessary to ensure that the Master Meter Settlement served the public interest, TURN brought about important consumer protections for tenants of master-metered commercial office buildings. While these benefits are difficult to monetize, the Commission has previously recognized the appropriateness of awarding compensation for participation where specific monetary benefits are difficult to establish. One example is particularly germane here. In D.05-04-041, issued in R.03-03-017 / I.03-03-018 (Issues Related to the Submetering Discount for Mobile Home Parks), the Commission found that ratepayers benefited from the consumer protections advocated by TURN for submetered tenants of mobile home parks, despite that such benefits were not readily quantifiable, and awarded TURN compensation for our participation in that proceeding. (D.05-04-041, p. 20).<sup>3</sup>

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<sup>3</sup> See also, *i.e.* D.99-12-005, pp. 6-7 (Compensation Decision in 1995 Storm Phase of PG&E GRC, A.97-12-020) and D.00-04-006, pp. 9-10 (Compensation Decision in Edison PBR Midterm Review, A.99-03-020) (recognizing the overall benefit of TURN's participation where that participation assisted the Commission in developing a record on which to assess the reasonableness of the utility's operations, and particularly its preparedness and performance in the future); D.00-05-022 (Compensation Decision in the Emergency Standards Proceeding) (awarding TURN \$92,000 in D.00-10-014 for our substantial contribution to the earlier decision, despite TURN's inability to assign a dollar value to the benefit of our participation in order to demonstrate "productivity." Interestingly, the Commission awarded compensation even though the emergency restoration standards may never come into play in the future, since they come into play only after a "major outage," which is defined as impacting more than 10% of a utility's

## **B. No Reduction Due To Duplication Is Warranted**

The intervenor statutes allow the Commission to award full compensation even where a party's participation has overlapped in part with the showings made by other parties. (PU Code §1802.5). TURN followed our usual practice of closely coordinating with other parties, particularly DRA. We met with DRA numerous times throughout the proceeding, carefully selecting our areas of emphasis with the intent of avoiding undue duplication, as well as coordinating our coverage of and participation in the numerous settlement negotiation meetings. As a result, while TURN and DRA represented overlapping interests, some of TURN's specific recommendations -- both in our direct testimony and during settlement negotiations -- were unique and did not overlap with the recommendations of DRA. For instance, TURN addressed allocation of non-CARE public purpose program costs, CTC and Nuclear Decommissioning Costs, and Energy Efficiency Shareholder Incentives in testimony. DRA's testimony did not address these issues. TURN's testimony also specifically addressed the impact of increased solar program costs on rates for the first 130% of baseline usage, and DRA did not cover this particular rate issue in testimony. Likewise, TURN actively participated in settlement negotiations related to the residential master meter discount and BOMA's proposal regarding new commercial submetering, and filed comments in opposition to the latter, whereas DRA essentially abstained from these issues. While Rule 12 of the Commission's Rules of Practice and Procedure constrain TURN's ability to disclose particulars about the settlement negotiation process, TURN obtained unique concessions, while also collaborating with DRA and other active parties to reduce the revenue allocation increase to the residential class, as well as to design equitable rates consistent with various policy considerations. Where TURN's

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customers. The contingent nature of the future standards did not cause the Commission to hesitate in awarding TURN compensation.).

recommendations overlapped with those of any other party, TURN sought to bolster the other party's showing by emphasizing other points to support the recommendation.

In these circumstances, TURN submits that the Commission should find that there was no undue duplication, as any duplication served to materially supplement, complement or contribute to the showing of another party and, therefore, is fully compensable under Section 1802.5.

TURN has presented the same basic showing on duplication in this request for compensation as it has in past requests covering work in GRCs.<sup>4</sup> The Commission did not reduce TURN's award for intervenor compensation in any of those prior compensation awards. The same outcome is warranted here. For all of these reasons, the Commission should not reduce TURN's award of compensation due to duplication.

#### **IV. ITEMIZATION OF SERVICES AND EXPENDITURES**

##### **A. Summary**

In this filing, TURN is requesting compensation for all of the time that we reasonably devoted to efforts reflected in D.07-09-004, as well as the full amount of expenses we incurred for our participation. No costs or expenses sought in this request were recovered from any grant or other outside source.

The following is a summary of TURN's requested compensation. A more detailed breakdown of the time devoted to this proceeding by TURN's representatives is provided in the appendices to this filing.

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<sup>4</sup> See, for example, D.05-08-027, p. 10 (in PG&E GRC A.02-11-017); D.06-10-018 (in SCE GRC A.04-12-014).

**Attorney Fees**

|                               |        |         |          |              |                    |
|-------------------------------|--------|---------|----------|--------------|--------------------|
| Mike Florio                   | 32.00  | hours X | \$485.00 | (2006) =     | \$15,520.00        |
| Mike Florio                   | 4.25   | hours X | \$525.00 | (2007) =     | \$2,231.25         |
| <b>Mike Florio Total</b>      |        |         |          |              | <b>\$2,231.25</b>  |
|                               |        |         |          |              |                    |
| Matthew Freedman              | 69.00  | hours X | \$280.00 | (2006) =     | \$19,320.00        |
| Matthew Freedman              | 0.50   | hours X | \$140.00 | (50% 2006) = | \$70.00            |
| Matthew Freedman              | 33.50  | hours X | \$300.00 | (2007) =     | \$10,050.00        |
| <b>Matthew Freedman Total</b> |        |         |          |              | <b>\$29,440.00</b> |
|                               |        |         |          |              |                    |
| Hayley Goodson                | 100.25 | hours X | \$195.00 | (2006) =     | \$19,548.75        |
| Hayley Goodson                | 81.50  | hours X | \$210.00 | (2007) =     | \$17,115.00        |
| Hayley Goodson                | 23.25  | hours X | \$105.00 | (50% 2007) = | \$2,441.25         |
| <b>Hayley Goodson Total</b>   |        |         |          |              | <b>\$39,105.00</b> |
|                               |        |         |          |              |                    |
| <b>Grand Total</b>            |        |         |          |              | <b>\$70,776.25</b> |

**Expert Witness Costs (Hours Billed)**

|                                      |       |         |          |                      |                    |
|--------------------------------------|-------|---------|----------|----------------------|--------------------|
| Bill Marcus, JBS Energy              | 0.33  | hours X | \$210.00 | (1/1/06 - 4/30/06) = | \$69.30            |
| Bill Marcus, JBS Energy              | 87.34 | hours X | \$220.00 | (5/1/06 - 2007) =    | \$19,214.80        |
| <b>Bill Marcus, JBS Energy Total</b> |       |         |          |                      | <b>\$19,284.10</b> |
|                                      |       |         |          |                      |                    |
| Jeff Nahigian, JBS Energy            | 58    | hours X | \$165.00 | (5/1/06 - 2007) =    | \$9,570.00         |
| <b>Bill Marcus, JBS Energy Total</b> |       |         |          |                      | <b>\$9,570.00</b>  |
|                                      |       |         |          |                      |                    |
| <b>Expert Witness Subtotal</b>       |       |         |          |                      | <b>\$28,854.10</b> |

**Other Costs**

|                             |   |                 |
|-----------------------------|---|-----------------|
| Telephone / Fax Expenses    | = | \$47.77         |
| Parking, Tolls, Fees        | = | \$11.00         |
| Consultant Travel Expenses  | = | \$75.00         |
| Photocopies                 | = | \$46.00         |
| Lexis Research              | = | \$89.86         |
| <b>Other Costs Subtotal</b> | = | <b>\$269.63</b> |

**TOTAL                      =                      \$99,899.98**

**B. The Hours Claimed for TURN's Attorneys Are Reasonable.**

During the period covered by this request for compensation, Matthew Freedman and Hayley Goodson served as TURN's primary attorneys in this proceeding for the activities described herein. TURN Senior Attorney Michel Florio prepared direct testimony regarding revenue allocation and residential rate design, and assisted Mr. Freedman and Ms. Goodson in settlement negotiations. Ms. Goodson, Mr. Freedman, and Mr. Florio each maintained detailed contemporaneous time records indicating the number of hours devoted to this case. A daily listing of the specific tasks each performed in connection with this proceeding is set forth in Appendix A.

TURN also relied on outside expert witnesses William Marcus and Jeff Nahigian of JBS Energy to assist us in this work. Mr. Marcus prepared direct testimony, with assistance from Mr. Nahigian, and both assisted TURN throughout settlement negotiations. Mr. Marcus primarily addressed marginal cost, revenue allocation and residential and small commercial rate design. Mr. Nahigian focused on rate design related to submetered mobilehome parks, as well issues surrounding new commercial submetering. A daily listing of the specific tasks each performed in connection with TURN's work in this proceeding is set forth in Appendix B.

In preparing Appendices A and B, Ms. Goodson reviewed all of the recorded hours devoted to this proceeding and included only those that were reasonable for the underlying task. TURN submits that all of the hours included in this request are reasonable, and should be compensated in full.

**C. TURN's Proposed Allocation By Issue Is Reasonable And Fair.**

The Commission requires an intervenor seeking compensation to segregate its attorney and expert witness time by issue or activity where feasible, in accordance with the guidelines

adopted in D.85-08-012. Accordingly, TURN has segregated our attorney time by issue or activity where feasible, in accordance with the guidelines adopted in D.85-08-012. Of course, such allocation by issue or activity does not necessarily mean the award of compensation will vary by issue or activity. The plain language of the intervenor compensation statute provides that full compensation may be warranted even where less than full success is achieved by the intervenor.<sup>5</sup> Likewise, the Commission has often awarded full compensation even where the intervenor's positions were not adopted in full, especially in proceedings with a broad scope as here.<sup>6</sup> In the present case TURN achieved a degree of overall success that was generally comparable to the level achieved in many of those prior cases. Therefore it is appropriate for us to seek, and for the Commission to award, compensation for 100% of the hours devoted to the proceeding. However, TURN is also mindful of the Commission's desire to see an allocation of hours by issue even where the intervenor is seeking compensation for all of those hours. The following discussion describes TURN's allocation of work activities in this proceeding.

The Commission specified in D.85-08-012 three different categories of work activities that allow for differing degrees of issue-by-issue allocation. The first category was described as follows:

1)Allocation by Issue is Straightforward. Testimony [and] briefs . . . are usually organized on the basis of issues, and thus it seems relatively easy for intervenors to keep track of the time spent

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<sup>5</sup> §1802(i) and §1803.

<sup>6</sup> For example, in D.98-04-028, the Commission awarded TURN full compensation for all of the time we devoted to both phases of the CTC proceeding, even though TURN did not prevail on all of the issues that we raised in the case. The Commission applied the same principle in the compensation decision in the SoCal Gas PBR proceeding (A.95-06-002), finding the hours for which TURN sought compensation reasonable despite the fact that we did not prevail on every issue we addressed in that proceeding. D.98-08-016, pp. 6, 12. The Commission has also appropriately awarded TURN the full amount of hours claimed even though our substantial contribution was made in the course of unsuccessfully opposing adoption of a settlement agreement. D.00-02-008, pp. 4-7, 10 (Edison OOR A.97-06-021).

writing on each issue.

TURN has identified the following major issue and activity categories for purposes of allocating hours in this proceeding:

|         |   |
|---------|---|
| “Sett”  | Hours devoted to general settlement activities.   |
| “MC”    | Hours devoted to marginal cost issues.  |
| “RA”    | Hours devoted to revenue allocation issues.   |
| “MC-RA” | Hours devoted to inseparable marginal cost and revenue allocation issues.   |
| “RD”    | Hours devoted to residential or small L&P rate design, excluding issues related to submetering in mobilehome parks. Most of these hours were devoted to residential rate design. However, due to the very small number of hours TURN spent on small L&P rate design, TURN used the more general “RD” designation for both rate design issues. Nonetheless, TURN’s work on small L&P rate design is clearly indicated in the description field in our time sheets. |
| “MMD”   | Hours devoted to submetering in mobile home parks, particularly, the calculation of the master meter discount.  |
| “BOMA”  | Hours devoted to BOMA’s proposal regarding commercial submetering.  |
| “PD”    | Hours devoted to reviewing the Proposed Decision of ALJ Fukutome which preceded D.07-09-004.  |

These hours comprise the vast majority of hours included in this request for compensation, as illustrated by Appendix A.

Although not coded in Appendix B, the hours of TURN’s outside expert consultant’s William Marcus and Jeff Nahigian can be reasonably allocated among these same issue categories. For Mr. Marcus’s work, TURN suggests that roughly 85% should be allocated to



“MC-RA”, and 15% to “RD”. For Mr. Nahigian’s time, a 25% / 75% allocation split between “MMD” and “BOMA” would accurately reflect the descriptions of Mr. Nahigian’s activities in Appendix B. We note that Mr. Nahigian devoted time to preparing rebuttal testimony on both the residential master meter discount for mobile home parks and commercial submetering issues, which was ultimately rendered unnecessary because both issues settled. However, given the schedule for rebuttal testimony, the uncertainty surrounding the potential for settlement, and the reality of Mr. Nahigian’s workload, Mr. Nahigian reasonably incurred these hours. Moreover, these efforts informed TURN’s participation in settlement negotiations and TURN’s response to the Commercial Master Meter Settlement.

The next category of activities described in D.85-08-012 was the following:

2) Allocation by Issue is Almost Impossible. When initially preparing to participate in a case, offset or otherwise, it is often simply impossible to segregate hours by issue, because this is the stage where an intervenor is learning about the case and preliminarily identifying the issues and how they interrelate.

The remainder of TURN’s hours falls into this second category contemplated in D.85-08-012, corresponding to more general work for which allocation by issue or activity is almost impossible. The entries in this category represent work that is fundamental to active participation in the case. Here, TURN’s general initial preparation time (while it may vary along with the scope of the case) entailed the review of an even wider range of issues than we ultimately addressed; such review work cannot easily be broken down by issue. Similarly, this category includes some tasks that are fundamental to active participation, and the amount of time they require does not vary by the number of issues upon which TURN participated (or prevailed). Examples of these tasks include reviewing other parties’ testimony and filings, and the proposed and any alternate decision; attending prehearing conferences and ex parte meetings;

and preparing compensation filings. TURN has endeavored to comply with this guideline by classifying our unallocable general preparation time as “GP,” representing general preparation work that is fundamental to active participation in the case.

Finally, TURN also seeks compensation at half the usual hourly rate for the hours devoted to the preparation of this compensation request (designated as “Comp” in Appendix A and totaling 23.25 hours). This reduction is consistent with the Commission’s practice of generally treating compensation requests as a pleading not requiring an attorney’s drafting efforts.

The third category described in D.85-08-012, addressing cases in which hearing time is not easily allocated by issue, is inapplicable here, given that the sole day of evidentiary hearings was devoted to the proposed Marginal Cost and Revenue Allocation Settlements, easily identifiable issues.

In conclusion, TURN has proposed a reasonable means of complying with the Commission’s guidelines on allocation of time. TURN submits that all of the hours claimed were reasonably and efficiently expended and should be fully compensated.

**D. The Hourly Rates Requested for TURN’s Staff Members and Outside Consultants Are Reasonable and Should Be Adopted**

For work performed in 2006, TURN’s request for compensation uses hourly rates that the Commission has previously adopted as reasonable for the work of each of our attorneys and expert witnesses in that time frame. Where the Commission has yet to adopt an hourly rate for 2006, TURN seeks a 3% cost of living adjustment over the approved 2005 rate, rounded to the nearest \$5 increment. For 2007, TURN is seeking a 3% cost of living adjustment increase to the 2006 rates for our staff attorneys, and the additional 5% “step” increase applicable to attorneys or

experts under the conditions described in D.07-01-009 (issued in R.06-08-022).<sup>7</sup>

TURN has applied half the approved or requested hourly rate for all hours associated with compensation-related matters.

**1. TURN Staff Attorneys**

**a) Michel Florio**

The hourly rates sought for Mr. Florio's work in 2006 (\$485) has been previously approved by the Commission in D.06-11-039, issued in A.05-03-001. The \$525 rate sought for 2007 work represents an 8% increase to the authorized 2006 rate, rounded to the nearest \$5 increment. This is the same rate requested for Mr. Florio's 2007 work in our pending request for an award of compensation in A.05-12-002, PG&E's 2007 GRC Phase 1, for substantial contribution to D.07-03-044.

**b) Matthew Freedman**

The hourly rate sought for Mr. Freedman's work in 2006 (\$280) has been previously approved by the Commission in D.06-10-018, issued in A.04-12-014. The \$300 rate sought for 2007 work represents an 8% increase to the authorized 2006 rate, rounded to the nearest \$5 increment. Again, this is the same rate requested for Mr. Freedman's work in 2007 in our pending request for an award of compensation in A.05-12-002, PG&E's 2007 GRC Phase 1, for substantial contribution to D.07-03-044.

**c) Hayley Goodson**

The hourly rate sought for Ms. Goodson's work in 2006 (\$195) represents a 3% increase over the 2005 rate (\$190) the Commission approved for her in D.05-11-031, issued in R.04-10-

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<sup>7</sup> The conditions set forth in D.07-01-009 (p. 6) are that the "step" increase is available only twice within any given level of experience, and cannot bring the resulting rate outside of the rate range established for that level of experience. This is the first such step increase TURN has sought for any of its staff members, and the resulting rates remain within the applicable rate ranges.

010, rounded to the nearest \$5 increment, consistent with D.07-01-009. The \$210 hourly rate proposed for 2007 work represents an 8% increase to the requested 2006 rate, rounded to the nearest \$5 increment. These are the same rates requested for Ms. Goodson's work in TURN's pending request for an award of compensation in A.05-12-002, PG&E's 2007 GRC Phase 1, for substantial contribution to D.07-05-058.

## **2. JBS Energy**

### **a) William Marcus**

TURN requests an hourly rate of \$210 for the very limited work Mr. Marcus performed in early 2006. This is the same rate that JBS Energy billed TURN for his work during this period, and the same rate that the Commission approved for his 2005 work in D.06-04-029, issued in A.04-07-044 (PG&E BCAP). For his work after May 1, 2006, which is the vast majority of hours contained herein, TURN seeks an hourly rate of \$220, again the same rate that JBS billed TURN for his work during that period. The Commission approved this rate in D.07-05-043, issued in A.06-04-012.

### **b) Jeff Nahigian**

TURN requests an hourly rate of \$165 for work Mr. Nahigian performed in this proceeding. This is the same rate that JBS Energy billed TURN for his work during the period at issue in this request for compensation, and the same rate requested for Mr. Nahigian's work in TURN's pending request for an award of compensation in A.05-12-002, PG&E's 2007 GRC Phase 1, for substantial contribution to D.07-03-044.<sup>8</sup>

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<sup>8</sup> JBS Energy billed TURN for Mr. Nahigian's work at an hourly rate of \$165 starting May 1, 2006. His work in 2006 prior to that date was billed at \$155 / hour, which was the same rate that the Commission approved for his 2005 work in D.06-04-029, issued in A.04-07-044 (PG&E BCAP). TURN's pending request for compensation in A.05-12-002 contains hours for Mr. Nahigian billed at both the \$155 and \$165 hourly rates.

### **3. Conclusion – Hourly Rates**

TURN has made a good faith effort to provide the Commission with the information that we understand to be necessary to evaluate the reasonableness of the requested hourly rates. Where the agency has previously adopted a rate for an individual's work in a given year, TURN has used that rate, consistent with long-standing Commission practice. In a few instances TURN is asking the Commission to apply here the hourly rates adopted in pending compensation requests that we anticipate will result in a decision prior to a decision on this request. Should the Commission determine that it needs further information in order to adopt the requested rates, TURN asks for an opportunity to provide such information.

#### **E. TURN's Expenses Are Reasonable And Should Be Compensated In Full**

The expenses incurred by TURN's staff members and outside consultants were reasonable, necessary for TURN's substantial contributions, and should be recovered in full. TURN's direct expenses of \$269.63 consist of photocopying expenses that relate exclusively to the preparation and service of testimony, comments and other pleadings. Additionally, TURN's expenses include a small amount of computerized legal research costs incurred for our work in this proceeding, and costs associated with hosting or participating in conference calls associated with the proceeding.

The expenses for JBS Energy consist of Mr. Marcus's travel costs for one trip to San Francisco to be present at the evidentiary hearing on the proposed Marginal Cost and Revenue Allocation Settlement, at which Mr. Marcus's presence was required. Where, as here, the travel is to and from a single day's hearing at the Commission office in San Francisco from the JBS Energy office (in West Sacramento), the travel should be deemed "extraordinary" and compensable rather than "routine commuting" that might be considered an overhead expense

presumably reflected in his hourly rate. (D.07-04-010, p. 12.) In sum, TURN's direct expenses are reasonable and should be compensated in full.

## **V. REQUEST FOR OPPORTUNITY TO SUPPLEMENT IF NEEDED**

TURN has made a good faith effort to prepare this request for compensation in a manner that provides the Commission with all of the information necessary to award compensation to the organization in the amount requested. More specifically, TURN has addressed the matter of finding a "substantial contribution" warranting a full award of compensation, and has allocated its work activities on an issue-specific basis to the extent feasible, in a manner intended to provide the Commission with the information it needs to fully evaluate this request for compensation. If for any reason the assigned ALJ believes that more information is needed, or that a different approach to such allocation would be preferable to the approach TURN has taken here, TURN requests an opportunity to supplement our request with additional information addressing the identified shortcoming.

TURN makes this request because the Commission has responded in several ways when faced with compensation requests that are perceived to be inadequate or incomplete. Some ALJs have brought the problem areas to the intervenor's attention and permitted a supplement providing further information to clarify or amplify matters in submitted requests for compensation.<sup>9</sup> Others instead opt to address the perceived inadequacy without any further input from the intervenor, requiring them to go so far as to identify different issue areas than those proposed by the intervenor, reallocate the intervenor's time and expenses among the ALJ-designated issue areas, assume that a lack of detail in support of the claimed lack of duplication

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<sup>9</sup> See, for example, the Phase 1 and 2 NRF comp request (D.06-08-007 (issued in R.01-09-001), pp. 19-21); and the Phase 3 NRF request (D.06-10-007, pp. 5-6).

necessarily means inappropriate duplication occurred, and otherwise revise the intervenor's request to better comport with the ALJ's sense of how the request should have been presented.<sup>10</sup> TURN submits that it would be a more efficient use of the ALJ division's scarce resources if, after the need for more information is identified, the intervenor were directed to provide such information, rather than have the ALJ attempt to glean the information from whatever material is before him or her.

TURN further submits that this would be a fairer approach from the perspective of the intervenor requesting the compensation award. An intervenor may well learn of problems with or questions regarding a submitted compensation request only when a draft or proposed decision on that request issues, long after the problems or questions were identified by the ALJ drafting the award and, generally speaking, at a time when there is far more limited opportunity to do anything about the problems or questions other than attempt to mitigate the damage. This seems to be a different (and more stringent) standard than the Commission generally applies to regulated utilities. A utility submitting an application for the Commission's consideration does not face having it rejected with prejudice in whole or in part if the assigned ALJ's initial review suggests that the application is incomplete or inaccurate – the utility will have at least one and perhaps several opportunities to supplement or amend its filing to achieve completeness and accuracy.<sup>11</sup> There is nothing in the intervenor compensation statute that would suggest, much

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<sup>10</sup> See, for example, the PG&E Diablo Canyon SGRP comp request (D.06-06-057 (issued in A.04-01-009), pp. 6-12); the Edison SONGS SGRP comp request (D.06-07-018 (issued in A.04-02-026), pp. 7-16); and the demand response comp request (D.07-04-010 (issued in A.05-06-006), pp. 6-7 (including making assumptions about overlap with other intervenors based on the absence of an "[explanation] how their contributions were complementary rather than duplicative."))

<sup>11</sup> As a recent example, consider the PG&E Catastrophic Emergency Memorandum Account (CEMA) application, A.06-11-005. When the utility first apprised the Commission of its intent to seek CEMA treatment of certain costs, the agency's Executive Director responded with a cautionary note – it did not appear that the conditions met the standards set out in the utility's tariffs. (Proposed Decision of ALJ Long, April 24, 2007, p. 7). A few months later, PG&E filed its application. At the initial prehearing conference convened on January 4, 2007, the assigned ALJ

less mandate, that eligible intervenors should not be afforded similar opportunities with regard to any request for compensation deemed incomplete or inadequately supported.

## **VI. CONCLUSION**

In the foregoing sections, TURN has described our substantial contribution to D.07-09-004, issued by the Commission in this proceeding. We have also provided a detailed itemization of our costs of participation, and demonstrated the reasonableness of our requested hourly rates. TURN has met all of the requirements of Sections 1801 et seq. of the Public Utilities Code, and therefore requests an award of compensation in the amount of \$99,899.98, plus interest if a decision is not issued within 75 days of today, in accordance with Section 1804(e) of the PU Code.

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alerted the company that the application was unclear on the basis for the requested relief. PG&E was permitted to attempt clarification at the PHC, then again in further briefing at a later date. (PD, pp. 7-8) Whether measured as the \$44.6 million of electric distribution and generation revenue requirements for 2005-2010 or the \$61.96 million of total costs the utility claims to have incurred (PD, p. 8), the amount at stake for the utility was a very small percentage (approximately 1.1 to 1.6%) of the utility's authorized revenue requirement for those operations. (The recent 2007 GRC decision adopted a revenue requirement of \$3.88 billion – D.07-03-044, p. 10.) Using a rough estimate of TURN's annual budget of \$2.5 million, 1.6% of that figure would amount to approximately \$40,000.



November 6, 2007

Respectfully submitted,

By: \_\_\_\_\_/S/\_\_\_\_\_

Hayley Goodson  
Staff Attorney

**THE UTILITY REFORM NETWORK**

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San Francisco, CA 94102

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### **VERIFICATION**

I, Hayley Goodson, am an attorney of record for THE UTILITY REFORM NETWORK in this proceeding and am authorized to make this verification on the organization's behalf. The statements in the foregoing document are true of my own knowledge, except for those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I am making this verification on TURN'S behalf because, as one of two lead attorneys in the proceeding, I have unique personal knowledge of certain facts stated in the foregoing document.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 6, 2007, at San Francisco, California.

\_\_\_\_\_  
/S/

Hayley Goodson  
Staff Attorney

## **APPENDIX A**

### **ATTORNEY CONTEMPORANEOUS TIME SHEETS**

Selection Criteria

Activity (hand sel Exclude: \$Atty Travel; \$Auto/Park/Toll; \$Cons Travel; \$Copies; \$DUCI; \$FedEx/Other; \$JBS Energy; \$Lexis Research; \$Lodging; \$Meals; \$Miscellaneous; \$Phone; \$Postage  
Case #/name (ha Include: A06-03-005  
Attorney (hand se Include: HG; MF; Matt

| Date                | Attorney | Activity | Description  | Time Spent |
|---------------------|----------|----------|--|------------|
| <u>Attorney: HG</u> |          |          |  |            |
| 4/14/2006           | HG       | GP       | calendar PHC and discuss DR w/ Matt  | 0.25       |
| 4/17/2006           | HG       | GP       | read ruling re PHC, discovery correspondence; PG&E response to DRA protest   | 0.50       |
| 9/26/2006           | HG       | MMD      | email fm PG&E, to Jeff N. re diversity benefit study required by 2003 Ph2 settlement   | 0.25       |
| 9/28/2006           | HG       | MMD      | discuss diversity benefit study (MMD) w/ J. Nahigian   | 0.25       |
| 9/29/2006           | HG       | GP       | read scoping memos, notes; read DRA's testimony  | 5.75       |
| 10/2/2006           | HG       | GP       | cont reading DRA testimony, notes  | 3.75       |
| 10/2/2006           | HG       | GP       | discuss testimony, sett conf w/ Matt   | 0.50       |
| 10/3/2006           | HG       | GP       | read testimony, notes  | 3.50       |
| 10/4/2006           | HG       | MMD      | talk to Jeff re diversity benefit study  | 0.25       |
| 10/4/2006           | HG       | Sett     | prep for sett conference call w/ Matt, B. Marcus; attend call  | 1.50       |
| 10/4/2006           | HG       | GP       | cont reading DRA testimony, notes  | 3.00       |
| 10/5/2006           | HG       | Sett     | discuss testimony, sett possibilities w/ DRA   | 0.25       |
| 10/5/2006           | HG       | Sett     | discuss case w/ Matt   | 0.50       |
| 10/10/2006          | HG       | MMD      | set up diversity benefit study conference call w/ PG&E, WMA  | 0.25       |
| 10/10/2006          | HG       | GP       | read PG&E's testimony  | 0.50       |
| 10/11/2006          | HG       | MMD      | email WMA, PG&E re DBA   | 0.50       |
| 10/12/2006          | HG       | Sett     | read sett materials from PG&E; email B. Marcus; discuss testimony, discovery w/ Matt   | 1.00       |
| 10/18/2006          | HG       | MMD      | discuss DBA study, testimony schedule w/ PG&E  | 0.25       |
| 10/19/2006          | HG       | MC       | read, edit Bill's marginal cost testimony; discuss w/ Mike, Matt   | 2.75       |
| 10/20/2006          | HG       | MC       | read, edit Bill's testimony  | 0.75       |
| 10/21/2006          | HG       | MC       | read, edit Bill's MC testimony   | 2.00       |
| 10/22/2006          | HG       | MC       | read, edit Bill's MC testimony   | 1.00       |
| 10/23/2006          | HG       | MC       | finish editing Bill's MC testimony; email TURN, Bill; begin editing remainder of testimony   | 2.50       |
| 10/24/2006          | HG       | MC-RA    | review Bill's response to MC edits; read, edit cost allocation section of Bill's testimony, edit; rsch for EE cost allocation, discuss w/ Mike, Matt; email B. Marcus, C. Mitchell | 5.75       |
| 10/24/2006          | HG       | Sett     | discuss sett and scheduling matters w/ TURN, PG&E  | 0.50       |
| 10/25/2006          | HG       | RA       | continue editing new sections of tesitmony; rsch re EE spending, cost allocation, meeting w/ MF, B. Marcus, C. Mitchell  | 4.25       |
| 10/26/2006          | HG       | RA       | cont. editing testimony; discuss w/ CKM, TURN team; read next version  | 4.50       |
| 10/27/2006          | HG       | MC-RA    | finalize testimony   | 3.75       |
| 10/30/2006          | HG       | MC-RA    | discuss op testimony, sett conf w/ Matt  | 0.50       |
| 11/1/2006           | HG       | MMD      | email fm PG&E re MMD sett call on DBA, discuss w/ PG&E   | 0.25       |
| 11/1/2006           | HG       | Sett     | prep for, attend sett conf at PG&E, discuss w/ Matt  | 3.25       |
| 11/2/2006           | HG       | MMD      | talk to Jeff re DBA study, intervow testimony  | 0.25       |
| 11/3/2006           | HG       | MC       | review new scenario data from PG&E   | 0.25       |
| 11/6/2006           | HG       | BOMA     | discuss BOMA's testimony w/ Jeff   | 0.25       |
| 11/7/2006           | HG       | BOMA     | discuss sett conf call w/ Jeff; call PG&E re BOMA sett conf call; email BOMA   | 0.50       |
| 11/8/2006           | HG       | BOMA     | review BOMA testimony; discuss w/ Jeff; sett conf call w/ PG&E, BOMA; follow-up w/ Jeff  | 2.00       |

| Date       | Attorney | Activity | Description  | Time Spent |
|------------|----------|----------|--|------------|
| 11/9/2006  | HG       | MC       | discuss tomorrow's MC conf call w/ Matt, Bill M.   | 0.50       |
| 11/9/2006  | HG       | RD       | prep for res rate design conf call, attend, discuss w/ Matt  | 2.75       |
| 11/10/2006 | HG       | MC       | prep for, attend sett conf call re MC, discuss w/ Matt   | 2.00       |
| 11/13/2006 | HG       | MC       | discuss Friday's MC conf call w/ Matt  | 0.25       |
| 11/15/2006 | HG       | RD       | review data sent since last res rate design conf call; discuss w/ Matt for tomorrow's sett conf; rsch CSI issues | 1.50       |
| 11/16/2006 | HG       | MC-RA    | read DRs, draft TURN responses   | 0.25       |
| 11/16/2006 | HG       | RD       | attend res RD sett conf; discuss CSI issues with Bill, Matt; rsch CSI / submetering issues; email PG&E           | 4.75       |
| 11/17/2006 | HG       | BOMA     | discuss BOMA issue w/ Jeff   | 1.00       |
| 11/17/2006 | HG       | RD       | discuss CSI / submetering issue w/ D. Pease  | 0.25       |
| 11/27/2006 | HG       | BOMA     | read follow-up notes from last sett meeting; discuss sett meeting, rebuttal testimony w/ Jeff                    | 0.50       |
| 11/27/2006 | HG       | MMD      | discuss WMA testimony, rebuttal w/ Jeff; send DR to WMA  | 0.50       |
| 11/29/2006 | HG       | MMD      | discovery to WMA   | 0.50       |
| 11/29/2006 | HG       | RD       | res rate design sett conf call; discuss w/ Matt, DRA   | 1.25       |
| 11/30/2006 | HG       | MC-RA    | conf call w/ PG&E, DRA re status of MC, RA negotiations, next steps; follow up w/ B. Marcus, DRA                 | 1.00       |
| 11/30/2006 | HG       | BOMA     | prep for conf call; discuss w/ Jeff; partic in sett call; follow-up w/ Jeff                                      | 1.50       |
| 12/1/2006  | HG       | BOMA     | discuss settlement concepts w/ Jeff, review proposed language  | 0.50       |
| 12/4/2006  | HG       | MC       | discuss today's MC sett conf call w/ Matt, B. Marcus; participate in call  | 1.25       |
| 12/4/2006  | HG       | RA       | discuss RA proposal PG&E distributed w/ Matt, B. Marcus  | 0.50       |
| 12/4/2006  | HG       | BOMA     | email questions to Jeff re settlement language, discuss  | 0.75       |
| 12/5/2006  | HG       | RA       | discovery  | 0.25       |
| 12/5/2006  | HG       | BOMA     | discuss BOMA proposed sett language w/ Jeff; draft sett terms, email PG&E  | 2.00       |
| 12/6/2006  | HG       | BOMA     | rsch, respond to PG&E questions re proposed BOMA settlement concepts; email Jeff re next meeting                 | 0.50       |
| 12/6/2006  | HG       | MC       | TURN, DRA settlement strategy meeting re MC  | 0.75       |
| 12/7/2006  | HG       | RA       | discovery  | 0.25       |
| 12/7/2006  | HG       | MC       | call fm B. Marcus re tomorrow's MC sett conf call, email PG&E  | 0.25       |
| 12/8/2006  | HG       | BOMA     | conf call w/ PG&E, Jeff; follow up discussions w/ Jeff   | 1.00       |
| 12/8/2006  | HG       | MC       | MC sett conf call; discuss w/ B. Marcus, DRA; set up meeting   | 2.00       |
| 12/11/2006 | HG       | BOMA     | prep for, attend sett conf call  | 1.50       |
| 12/11/2006 | HG       | MC       | conf call w/ B. Marcus, DRA re sett strategy   | 0.50       |
| 12/12/2006 | HG       | MC       | MC sett conf call; discuss w/ B. Marcus  | 1.25       |
| 12/13/2006 | HG       | MC       | discuss yesterday's sett meeting w/ Matt; next steps   | 0.25       |
| 12/15/2006 | HG       | MC-RA    | conf call w/ CLECA re sett, discuss w/ Bill Marcus, Mike; update Matt  | 1.75       |
| 12/19/2006 | HG       | MC-RA    | discuss today's MC/RA conference call w/ Bill, Matt  | 1.00       |
| 12/20/2006 | HG       | BOMA     | discuss tomorrow's BOMA call w/ Jeff; review BOMA materials  | 0.75       |
| 12/21/2006 | HG       | MC       | discuss discovery issues w/ PG&E, Bill M., internally  | 0.50       |
| 12/21/2006 | HG       | BOMA     | prep for and attend sett conf call; discuss w/ Jeff  | 1.50       |
| 12/21/2006 | HG       | MMD      | discuss discovery issues w/ Jeff, WMA  | 0.25       |
| 12/27/2006 | HG       | MC-RA    | read latest scenarios fm PG&E; conf call w/ Bill M., DRA re sett negotiations; discuss w/ Matt                   | 2.00       |
| 12/28/2006 | HG       | MC-RA    | conf call w/ Matt, Bill M. re sett; attend sett conf call w/ all parties   | 2.50       |
| 12/28/2006 | HG       | MMD      | discuss discovery, rebuttal to WMA w/ Jeff; discuss DBA study issues w/ Jeff                                     | 0.25       |

Total: 2006

100.25

| Date      | Attorney | Activity | Description  | Time Spent |
|-----------|----------|----------|--|------------|
| 1/3/2007  | HG       | MC-RA    | review latest sett run; email B. Marcus; discuss w/ Matt   | 0.50       |
| 1/4/2007  | HG       | MC-RA    | call B. Marcus re this morning's sett conf call  | 0.25       |
| 1/4/2007  | HG       | BOMA     | rsch re FERC jx  | 2.00       |
| 1/12/2007 | HG       | BOMA     | read sett memo fm BOMA, send to Jeff   | 0.25       |
| 1/22/2007 | HG       | MC-RA    | discuss PG&E proposed sett language, next sett meeting w/ Matt   | 0.25       |
| 1/23/2007 | HG       | MC-RA    | review PG&E draft sett agreement, edits from parties re MC/RA;<br>discuss w/ Matt and B. Marcus                                  | 2.50       |
| 1/25/2007 | HG       | MC-RA    | prep for, attend sett conf call, discuss w/ DRA, Bill, Matt  | 2.25       |
| 1/25/2007 | HG       | RD       | discuss next res RD call w/ PG&E, DRA, Matt  | 0.50       |
| 1/26/2007 | HG       | RD       | email DRA, Matt re CARE rates; prep for res RD sett call,<br>participate in call   | 1.50       |
| 1/29/2007 | HG       | MC-RA    | discuss RA/MC sett issues w/ Matt, Bill, DRA   | 0.25       |
| 1/29/2007 | HG       | RD       | discuss Res sett w/ Matt, Bill, DRA  | 0.25       |
| 1/30/2007 | HG       | MC-RA    | read next round of sett edits  | 1.00       |
| 1/31/2007 | HG       | MC-RA    | discuss MC/RA sett w/ Bill, Matt; email PG&E   | 1.00       |
| 2/1/2007  | HG       | MC-RA    | review next draft of MC/RA sett; discuss w/ Bill, Matt; attend sett<br>conf call; discuss w/ Matt, Bill, Mike                    | 3.50       |
| 2/2/2007  | HG       | RA       | discuss CARE issue w/ DRA; conf call w/ PG&E, discuss internally   | 2.00       |
| 2/5/2007  | HG       | MC-RA    | review latest materials fm PG&E, discuss CARE issue w/ DRA;<br>MC/RA sett conf call w/ all parties, discuss internally           | 2.00       |
| 2/7/2007  | HG       | MC-RA    | review next draft sett, discuss w/ Matt, Bill, Mike, sett conf call  | 1.00       |
| 2/8/2007  | HG       | MC-RA    | review MC/RA sett motion, docs final time  | 0.50       |
| 2/13/2007 | HG       | MC-RA    | meet w/ BF, Mindy, Matt re MC/RA sett  | 0.50       |
| 2/15/2007 | HG       | RD       | read PG&E email, spreadsheets re res rate design for today's sett<br>call; discuss w/ DRA, TURN, B. Marcus, participate in call  | 1.50       |
| 2/27/2007 | HG       | RD       | res RD sett conf call  | 0.50       |
| 3/2/2007  | HG       | MMD      | read Jeff's draft testimony re WMA, BOMA, email re RD conf call<br>next week   | 0.50       |
| 3/5/2007  | HG       | MMD      | email Jeff re sett conf call w/ WMA tomorrow   | 0.25       |
| 3/6/2007  | HG       | MMD      | prep for today's MMD sett conf call; discuss w/ Jeff, PG&E;<br>attend call   | 2.00       |
| 3/7/2007  | HG       | RD       | review draft Res RD sett, edit; attend sett conf call  | 2.00       |
| 3/7/2007  | HG       | BOMA     | read email fm PG&E, call Jeff to discuss   | 0.25       |
| 3/8/2007  | HG       | BOMA     | rsch, discuss PG&E's proposed BOMA offer w/ Jeff   | 0.75       |
| 3/9/2007  | HG       | BOMA     | discuss PG&E proposal w/ Jeff, conf call w/ PG&E   | 0.75       |
| 3/14/2007 | HG       | GP       | discuss hearing schedule w/ PG&E, Matt   | 0.25       |
| 3/23/2007 | HG       | RD       | SmL&P -- discuss RD issues w/ Matt, Bill Marcus; call PG&E;<br>discuss w/ DRA  | 0.50       |
| 3/26/2007 | HG       | RD       | discuss SmL&P RD w/ PG&E, DRA  | 0.25       |
| 4/5/2007  | HG       | RD       | emails fm PG&E, DRA, Bill re SmL&P sett negotiations   | 0.25       |
| 4/6/2007  | HG       | RD       | discuss smL&P RD w/ Matt   | 0.25       |
| 4/12/2007 | HG       | MC       | discussion internally re hearing on MC, RD setts   | 0.50       |
| 4/16/2007 | HG       | GP       | prep docs for hearings on MC/RA/RD setts tomorrow  | 0.50       |
| 4/17/2007 | HG       | MC-RA    | discuss today's sett hearing w/ Matt   | 0.25       |
| 4/23/2007 | HG       | BOMA     | rsch other states' regulation of commercial submetering; discuss w/<br>Jeff  | 4.00       |
| 4/24/2007 | HG       | RD       | (SmL&P) email fm PG&E re A-6 counterproposal; email DRA, TURN  | 0.25       |
| 4/25/2007 | HG       | BOMA     | read PG&E motion re BOMA sett; discuss w/ Matt, PG&E, Jeff;<br>review settlement itself and email Jeff re comments on settlement | 1.50       |
| 4/26/2007 | HG       | BOMA     | discuss sett w/ Jeff, Matt   | 0.25       |
| 5/3/2007  | HG       | BOMA     | discuss BOMA settlement w/ Jeff, comments, discovery   | 0.75       |
| 5/5/2007  | HG       | BOMA     | email JBS re BOMA settlement, schedule   | 0.25       |
| 5/7/2007  | HG       | BOMA     | discuss w/ Bob   | 0.75       |
| 5/8/2007  | HG       | BOMA     | read latest schedule ruling, discuss schedule w/ PG&E  | 0.25       |
| 5/10/2007 | HG       | BOMA     | review sett; draft data requests; send to Jeff   | 3.00       |

11/6/2007  
4:35 PM

Hours

Page 4

| Date                | Attorney | Activity | Description   | Time Spent |
|---------------------|----------|----------|---|------------|
| 5/11/2007           | HG       | BOMA     | discuss discovery w/ Jeff, draft more questions; send to PG&E;<br>review Jeff's rsch for comments                     | 2.50       |
| 5/14/2007           | HG       | BOMA     | email BOMA re discovery; rsch, draft and send DR to BOMA;<br>email Jeff re discovery; rsch for cmts on sett           | 4.50       |
| 5/17/2007           | HG       | BOMA     | outline, begin drafting cmts on settlement  | 2.00       |
| 5/18/2007           | HG       | BOMA     | draft cmts on settlement; review PG&E data responses  | 5.00       |
| 5/20/2007           | HG       | BOMA     | draft cmts on settlement  | 4.25       |
| 5/21/2007           | HG       | BOMA     | rsch, draft cmts on settlement; review BOMA data responses;<br>discuss edits w/ Jeff                                  | 8.00       |
| 5/22/2007           | HG       | BOMA     | cont. drafting cmts on sett; edits from Jeff, BF, finalize and prepare<br>attachments                                 | 5.25       |
| 5/23/2007           | HG       | BOMA     | respond to PG&E's questions re TURN cmts on settlement  | 0.25       |
| 5/24/2007           | HG       | BOMA     | message fm ALJ Fukutome re hearings on BOMA sett; discuss w/<br>BF; call ALJ Fukutome; email fm PG&E re hearings 5/29 | 0.25       |
| 5/25/2007           | HG       | BOMA     | Read PG&E, BOMA reply cmts; ALJ Ruling re hearings  | 0.50       |
| 7/23/2007           | HG       | MMD      | emails fm PG&E, Jeff re: DBA study  | 0.25       |
| 7/26/2007           | HG       | MMD      | review settlement; discuss w/ Jeff in prep for today's meeting re<br>DBA  | 0.50       |
| 8/7/2007            | HG       | BOMA     | cont. read PD's treatment of BOMA sett; discuss w/ Jeff, BF   | 0.75       |
| 8/16/2007           | HG       | PD       | review PD, review TURN cmts on BOMA settlement  | 2.00       |
| 8/20/2007           | HG       | PD       | finalize notes on PD; determine no cmts necessary   | 0.75       |
| 8/22/2007           | HG       | PD       | read PG&E draft cmts on PD and request for parties to sign-on;<br>email BF, Matt, discuss w/ BF                       | 0.50       |
| 9/10/2007           | HG       | Comp     | begin drafting comp request re: D.07-09-004   | 4.00       |
| 9/11/2007           | HG       | Comp     | comp request  | 0.25       |
| 9/12/2007           | HG       | Comp     | cont working on comp request; discuss w/ BF   | 1.00       |
| 9/13/2007           | HG       | Comp     | discuss w/ BF, cont working comp request  | 0.75       |
| 9/14/2007           | HG       | Comp     | rsch for comp request   | 0.25       |
| 10/19/2007          | HG       | Comp     | rsch, draft comp request  | 6.00       |
| 10/23/2007          | HG       | Comp     | work on comp request; discuss w/ BF   | 7.00       |
| 10/24/2007          | HG       | Comp     | work on comp request  | 4.00       |
| Total: 2007         |          |          |   | 104.75     |
| Total: HG           |          |          |   | 205.00     |
| <u>Attorney: MF</u> |          |          |   |            |
| 9/21/2006           | MF       | GP       | Protest AET to preserve issue   | 0.75       |
| 10/17/2006          | MF       | GP       | Review PG&E testimony   | 2.75       |
| 10/18/2006          | MF       | MC       | Review PG&E testimony & edit Bill's   | 3.25       |
| 10/19/2006          | MF       | RA       | Prep for testimony  | 2.75       |
| 10/23/2006          | MF       | RA       | Prep for testimony  | 1.00       |
| 10/24/2006          | MF       | RA       | Testimony prep  | 3.75       |
| 10/25/2006          | MF       | RA       | Draft testimony   | 6.00       |
| 10/26/2006          | MF       | RD       | Work on testimony   | 2.25       |
| 10/27/2006          | MF       | RA       | Finalize testimony  | 3.00       |
| 12/8/2006           | MF       | MC-RA    | Settlement prep   | 1.50       |
| 12/15/2006          | MF       | MC-RA    | Settlement work & calls   | 2.50       |
| 12/18/2006          | MF       | MC-RA    | Settlement talks  | 1.25       |
| 12/28/2006          | MF       | MC-RA    | Settlement call   | 1.25       |

| Date        | Attorney | Activity | Description                      | Time Spent |
|-------------|----------|----------|----------------------------------|------------|
| Total: 2006 |          |          |                                  | 32.00      |
| 2/1/2007    | MF       | MC-RA    | Review settlement docs & discuss | 1.25       |
| 2/2/2007    | MF       | MC-RA    | Calls & discuss                  | 1.50       |
| 2/3/2007    | MF       | MC-RA    | Review draft settlement          | 0.75       |
| 2/5/2007    | MF       | MC-RA    | Settlement call                  | 0.75       |
| Total: 2007 |          |          |                                  | 4.25       |
| Total: MF   |          |          |                                  | 36.25      |

Attorney: Matt

|            |      |       |  |      |
|------------|------|-------|--|------|
| 4/14/2006  | Matt | GP    | Drafting of data request, review of application  | 1.25 |
| 4/18/2006  | Matt | GP    | Preparation and distribution of data request   | 0.50 |
| 4/19/2006  | Matt | GP    | Preparation of data request  | 0.50 |
| 4/20/2006  | Matt | GP    | Drafting/distribution of data request  | 1.25 |
| 4/28/2006  | Matt | RA    | Review of responses to PG&E DR, analysis of solar rate impacts                         | 1.50 |
| 5/3/2006   | Matt | GP    | Preparation for, and attendance at, PHC  | 1.25 |
| 5/25/2006  | Matt | Comp  | Preparation of NOI   | 0.50 |
| 8/7/2006   | Matt | GP    | Drafting/edits to TURN data request  | 1.75 |
| 8/24/2006  | Matt | GP    | Drafting/edits to TURN data request  | 1.25 |
| 9/22/2006  | Matt | GP    | Review of PG&E testimony, analysis of PG&E data responses                              | 3.25 |
| 10/4/2006  | Matt | Sett  | Preparation for, and attendance at, PG&E settlement conference                         | 2.75 |
| 10/12/2006 | Matt | GP    | Case management tasks and review of data responses                                     | 1.25 |
| 10/18/2006 | Matt | MC    | Review of draft testimony  | 2.50 |
| 10/19/2006 | Matt | GP    | Case management tasks  | 0.75 |
| 10/20/2006 | Matt | GP    | Case management issues and testimony preparation                                       | 2.25 |
| 10/23/2006 | Matt | MC    | Review and edits to testimony  | 3.50 |
| 10/25/2006 | Matt | RA    | Review and edits to testimony  | 2.25 |
| 10/26/2006 | Matt | RD    | Review and edits to testimony  | 1.75 |
| 10/27/2006 | Matt | MC-RA | Final review and edits to testimony  | 1.50 |
| 11/1/2006  | Matt | Sett  | Preparation for, and attendance at, PG&E settlement meeting                            | 3.50 |
| 11/9/2006  | Matt | RD    | Residential rate design meeting w/PG&E, discussion w/TURN staff re: case strategy      | 2.50 |
| 11/10/2006 | Matt | MC    | Settlement meeting w/PG&E and other parties  | 1.50 |
| 11/15/2006 | Matt | RD    | Meeting with Vote Solar to discuss E-7/E-6 rate design                                 | 0.50 |
| 11/16/2006 | Matt | RD    | Residential rate settlement meeting w/PG&E and other parties, post-meeting discussions | 2.00 |
| 11/20/2006 | Matt | RD    | Review of draft petition on E-7 rates, other case management tasks                     | 1.25 |
| 11/28/2006 | Matt | MC-RA | Preparation of workpapers and other case management tasks                              | 2.50 |
| 11/29/2006 | Matt | RD    | Meeting w/PG&E on residential rate design issues and followup conversations            | 2.00 |
| 11/30/2006 | Matt | MC-RA | Meeting w/PG&E to discuss settlement issues  | 0.75 |
| 12/4/2006  | Matt | MC    | TURN discussions re: GRC settlement issues   | 1.50 |
| 12/5/2006  | Matt | GP    | Various case management tasks  | 1.75 |
| 12/6/2006  | Matt | MC    | Case management and discovery issues, meeting to discuss settlement strategy           | 3.00 |
| 12/7/2006  | Matt | MC    | Review of settlement negotiation materials, case management tasks                      | 1.50 |
| 12/8/2006  | Matt | MC    | Settlement meeting w/PG&E and other parties, work on data request and response         | 3.00 |
| 12/11/2006 | Matt | MC    | Conference call with DRA to discuss settlement issues                                  | 0.75 |



| Date        | Attorney | Activity | Description   | Time Spent |  |
|-------------|----------|----------|---|------------|--|
| 12/12/2006  | Matt     | GP       | Various case mangement tasks  | 1.75       |  |
| 12/15/2006  | Matt     | MC-RA    | Meeting to discuss GRC settlement issues                                      | 0.75       |  |
| 12/18/2006  | Matt     | MC-RA    | CLECA/TURN settlement conversation, other case management issues              | 1.75       |  |
| 12/19/2006  | Matt     | MC-RA    | Preparation for/attendance at settlement conference call                      | 1.50       |  |
| 12/20/2006  | Matt     | MC-RA    | Case management tasks and settlement strategy discussions                     | 1.50       |  |
| 12/27/2006  | Matt     | MC-RA    | Preparation for settlement conference call                                    | 0.75       |  |
| 12/28/2006  | Matt     | MC-RA    | Preparation for/attendance at settlement conference call                      | 2.00       |  |
| Total: 2006 |          |          |   | 69.50      |  |
| 1/4/2007    | Matt     | MC-RA    | Preparation for/attendance at settlement conference call                      | 2.00       |  |
| 1/17/2007   | Matt     | MC-RA    | Settlement meeting  | 1.50       |  |
| 1/18/2007   | Matt     | GP       | Various case management issues  | 1.25       |  |
| 1/23/2007   | Matt     | MC-RA    | Review of draft settlement agreement and motion, comments provided to PG&E    | 1.50       |  |
| 1/24/2007   | Matt     | GP       | Various case management issues  | 1.25       |  |
| 1/26/2007   | Matt     | RD       | Settlement meeting  | 1.00       |  |
| 1/29/2007   | Matt     | RD       | Meeting with DRA and TURN staff to discuss settlement issues                  | 1.50       |  |
| 1/31/2007   | Matt     | MC-RA    | GRC discussions   | 1.00       |  |
| 2/1/2007    | Matt     | MC-RA    | Settlement meeting, TURN discussion of settlement issue                       | 3.50       |  |
| 2/2/2007    | Matt     | RA       | Settlement meetings and review of issues                                      | 3.00       |  |
| 2/5/2007    | Matt     | MC-RA    | Settlement meetings and review of settlement issues                           | 3.00       |  |
| 2/7/2007    | Matt     | MC-RA    | Settlement meetings and review of issues                                      | 1.50       |  |
| 2/15/2007   | Matt     | RD       | Preparation for, attendance at, residential rate design settlement meeting    | 1.25       |  |
| 2/27/2007   | Matt     | RD       | Preparation for, attendance at, residential rate design settlement meeting    | 1.50       |  |
| 3/7/2007    | Matt     | RD       | Preparation for, attendance at, settlement meeting on residential rate design | 1.75       |  |
| 3/13/2007   | Matt     | RD       | Review of residential rate design settlement                                  | 1.25       |  |
| 4/10/2007   | Matt     | MC-RA    | Various administrative case tasks relating to settlement and hearings         | 1.25       |  |
| 4/17/2007   | Matt     | MC-RA    | Preparation for, and attendance at, evidentiary hearings on settlement        | 3.00       |  |
| 4/26/2007   | Matt     | RD       | Preparation for, and attendance at, small light and power settlement meeting  | 1.50       |  |
| Total: 2007 |          |          |   | 33.50      |  |
| Total: Matt |          |          |   | 103.00     |  |
| Grand Total |          |          |   | 344.25     |  |

## **APPENDIX B**

### **CONSULTANT TIME SHEETS**

Selection Criteria

Activity (hand sel Exclude: \$Atty Travel; \$Auto/Park/Toll; \$Cons Travel; \$Copies; \$DUCI; \$FedEx/Other; \$JBS Energy; \$Lexis Research;  
\$Lodging; \$Meals; \$Miscellaneous; \$Phone; \$Postage  
Case #/name (ha Include: A06-03-005  
Attorney (hand se Include: JBS--B Marcus; JBS--J Nahigian

| Date                           | Attorney      | Activity | Description  | Time Spent |
|--------------------------------|---------------|----------|--|------------|
| <u>Attorney: JBS--B Marcus</u> |               |          |  |            |
| 3/23/2006                      | JBS--B Marcus | .        | brief review of application, send request for workpapers                                     | 0.33       |
| 8/4/2006                       | JBS--B Marcus | .        | review materials on gen costs, send DR   | 0.25       |
| 8/16/2006                      | JBS--B Marcus | .        | send DR, review models   | 0.75       |
| 10/4/2006                      | JBS--B Marcus | .        | (JBS Oct 2006 Invoice)   | 1.00       |
| 10/11/2006                     | JBS--B Marcus | .        | call into settlement conference<br>(JBS Oct 2006 Invoice)                                    | 5.50       |
| 10/13/2006                     | JBS--B Marcus | .        | review marginal energy and capacity costs, draft testimony<br>(JBS Oct 2006 Invoice)         | 2.00       |
| 10/15/2006                     | JBS--B Marcus | .        | draft testimony<br>(JBS Oct 2006 Invoice)  | 5.00       |
| 10/16/2006                     | JBS--B Marcus | .        | draft testimony on dist and customer MC<br>(JBS Oct 2006 Invoice)                            | 5.00       |
| 10/17/2006                     | JBS--B Marcus | .        | draft testimony (marginal cost)<br>(JBS Oct 2006 Invoice)                                    | 6.00       |
| 10/19/2006                     | JBS--B Marcus | .        | draft marginal cost testimony<br>(JBS Oct 2006 Invoice)                                      | 1.75       |
| 10/20/2006                     | JBS--B Marcus | .        | work revenue allocation modeling<br>(JBS Oct 2006 Invoice)                                   | 3.75       |
| 10/22/2006                     | JBS--B Marcus | .        | draft testimony<br>(JBS Oct 2006 Invoice)  | 3.00       |
| 10/24/2006                     | JBS--B Marcus | .        | draft revenue allocation testimony, revise MC<br>(JBS Oct 2006 Invoice)                      | 1.75       |
| 10/25/2006                     | JBS--B Marcus | .        | edit testimony<br>(JBS Oct 2006 Invoice)   | 0.50       |
| 10/26/2006                     | JBS--B Marcus | .        | TC with Hayley, Mike, Cynthia on EE allocation<br>(JBS Oct 2006 Invoice)                     | 7.75       |
| 10/27/2006                     | JBS--B Marcus | .        | Edit testimony, revise allocation issue material<br>(JBS Oct 2006 Invoice)                   | 3.00       |
| 11/9/2006                      | JBS--B Marcus | .        | Complete testimony editing<br>(JBS Nov 2006 Invoice)   | 1.00       |
| 11/10/2006                     | JBS--B Marcus | .        | Res rate design settlement call<br>(JBS Nov 2006 Invoice)                                    | 1.25       |
| 11/14/2006                     | JBS--B Marcus | .        | Marginal cost call<br>(JBS Nov 2006 Invoice)   | 0.17       |
| 11/16/2006                     | JBS--B Marcus | .        | TC Matt re residential solar rate design<br>(JBS Nov 2006 Invoice)                           | 1.58       |
| 11/21/2006                     | JBS--B Marcus | .        | Settlement call res rate design; tc hayley and matt re solar rates<br>(JBS Nov 2006 Invoice) | 0.17       |
| 11/22/2006                     | JBS--B Marcus | .        | Review E-7 petition from res settlement<br>(JBS Nov 2006 Invoice)                            | 1.00       |
| 11/27/2006                     | JBS--B Marcus | .        | Compile and send on workpapers<br>(JBS Nov 2006 Invoice)                                     | 0.50       |
| 11/29/2006                     | JBS--B Marcus | .        | Discuss mobile home discount issues with Jeff<br>(JBS Nov 2006 Invoice)                      | 0.75       |
| 11/29/2006                     | JBS--B Marcus | .        | Prep for and have settlement call res rate design<br>(JBS Nov 2006 Invoice)                  | 0.42       |
| 11/30/2006                     | JBS--B Marcus | .        | Discuss BOMA submetering issues with Jeff<br>(JBS Nov 2006 Invoice)                          | 0.75       |
|                                |               |          | Settlement call, MC and RA, TC D Khoury  |            |

| Date                             | Attorney        | Activity | Description   | Time Spent |
|----------------------------------|-----------------|----------|---|------------|
| 12/4/2006                        | JBS--B Marcus   | .        | analyze allocation back to 1/1/06, settlement pre-call with TURN and call | 2.75       |
| 12/5/2006                        | JBS--B Marcus   | .        | review and comment on solar questions re E-7                              | 0.17       |
| 12/6/2006                        | JBS--B Marcus   | .        | review E-7 petition to modify PD, solar comments                          | 0.25       |
| 12/8/2006                        | JBS--B Marcus   | .        | settlement conference calls, calls wih Hayley, Matt                       | 1.67       |
| 12/11/2006                       | JBS--B Marcus   | .        | TC DRA and TURN staff re settlement                                       | 0.83       |
| 12/13/2006                       | JBS--B Marcus   | .        | TCs Barkovich and Florio, review PPP data response                        | 1.00       |
| 12/14/2006                       | JBS--B Marcus   | .        | DR on marginal generation cost update                                     | 0.33       |
| 12/15/2006                       | JBS--B Marcus   | .        | review settlement scenarios, TC CLECA and TURN, discuss options with TURN | 1.50       |
| 12/19/2006                       | JBS--B Marcus   | .        | settlement conference calls, calls wih Hayley, Matt                       | 2.42       |
| 12/27/2006                       | JBS--B Marcus   | .        | TC TURN and ORA re settlement   | 1.00       |
| 12/28/2006                       | JBS--B Marcus   | .        | prep for and have rev alloc settlement call                               | 2.25       |
| Total: 2006                      |                 |          |   | 69.09      |
| 1/3/2007                         | JBS--B Marcus   | .        | review settlement materials sent by PG&E                                  | 0.33       |
| 1/4/2007                         | JBS--B Marcus   | .        | settlement conference call  | 0.75       |
| 1/17/2007                        | JBS--B Marcus   | .        | prep for and have settlement discussions, work on example                 | 1.33       |
| 1/23/2007                        | JBS--B Marcus   | .        | review settlement agreement language, TCs, Jim Ross and TURN Legal Staff  | 1.25       |
| 1/25/2007                        | JBS--B Marcus   | .        | settlement discussion, TC Hayley  | 1.67       |
| 1/29/2007                        | JBS--B Marcus   | .        | meet with DRA re settlement issues  | 1.17       |
| 2/1/2007                         | JBS--B Marcus   | .        | Settlement conference call, TC with TURN                                  | 1.50       |
| 2/2/2007                         | JBS--B Marcus   | .        | TC TURN, PG&E re CARE issues for settlement                               | 1.00       |
| 2/5/2007                         | JBS--B Marcus   | .        | final conference call for rev allocation settlement                       | 1.17       |
| 2/7/2007                         | JBS--B Marcus   | .        | conference call on rev alloc  | 0.58       |
| 2/15/2007                        | JBS--B Marcus   | .        | res rate design settlement pre-call with TURN and larger call             | 1.33       |
| 2/22/2007                        | JBS--B Marcus   | .        | discuss BOMA rebuttal with Jeff   | 0.17       |
| 2/27/2007                        | JBS--B Marcus   | .        | res rate design pre-call and call   | 0.75       |
| 3/7/2007                         | JBS--B Marcus   | .        | conference call re res settlement   | 1.00       |
| 3/23/2007                        | JBS--B Marcus   | .        | TC Hayley re SL&P settlement issue.                                       | 0.08       |
| 4/17/2007                        | JBS--B Marcus   | .        | travel (billed at 1/2) attend hearing on settlement issues                | 4.50       |
| Total: 2007                      |                 |          |   | 18.58      |
| Total: JBS--B Marcus             |                 |          |   | 87.67      |
| <u>Attorney: JBS--J Nahigian</u> |                 |          |   |            |
| 10/4/2006                        | JBS--J Nahigian | .        | (JBS Oct 2006 Invoice)  | 0.25       |
| 12/1/2006                        | JBS--J Nahigian | .        | discuss diversity study with Hayley                                       | 2.00       |
| 12/3/2006                        | JBS--J Nahigian | .        | work on settlement statement  | 0.75       |
| 12/4/2006                        | JBS--J Nahigian | .        | prep settlement w/BOMA  | 1.50       |
| 12/5/2006                        | JBS--J Nahigian | .        | prep settlement w/BOMA  | 1.50       |
| 12/7/2006                        | JBS--J Nahigian | .        | prep settlement w/BOMA  | 2.00       |
| 12/10/2006                       | JBS--J Nahigian | .        | analyze BOMA example memo to Hayley                                       | 1.50       |
| 12/10/2006                       | JBS--J Nahigian | .        | prep and conference call w/BOMA/PG&E                                      | 2.00       |
| 12/21/2006                       | JBS--J Nahigian | .        | conferece call w/BOMA   | 1.50       |
| 12/28/2006                       | JBS--J Nahigian | .        | review draft responses, prep testimony                                    | 1.00       |
| Total: 2006                      |                 |          |   | 14.00      |
| 1/3/2007                         | JBS--J Nahigian | .        | get data for TSM analysis   | 0.50       |

| Date                   | Attorney        | Activity | Description                                    | Time Spent |
|------------------------|-----------------|----------|--|------------|
| 1/4/2007               | JBS--J Nahigian | .        | prep rebuttal                                  | 0.50       |
| 1/19/2007              | JBS--J Nahigian | .        | review BOMA comments, memo to TURN             | 0.75       |
| 2/14/2007              | JBS--J Nahigian | .        | develop rebuttal                               | 3.00       |
| 2/15/2007              | JBS--J Nahigian | .        | prep rebuttal                                  | 5.00       |
| 2/16/2007              | JBS--J Nahigian | .        | prep rebuttal                                  | 3.50       |
| 2/19/2007              | JBS--J Nahigian | .        | prep rebuttal                                  | 3.50       |
| 2/20/2007              | JBS--J Nahigian | .        | prep rebuttal                                  | 3.00       |
| 2/21/2007              | JBS--J Nahigian | .        | prep rebuttal                                  | 3.00       |
| 2/22/2007              | JBS--J Nahigian | .        | finish rebuttal                                | 3.50       |
| 2/27/2007              | JBS--J Nahigian | .        | schedule settlement discussions                | 0.25       |
| 3/2/2007               | JBS--J Nahigian | .        | testimony draft to hayley                      | 1.00       |
| 3/6/2007               | JBS--J Nahigian | .        | prep and participate in settlement discussions | 2.50       |
| 3/7/2007               | JBS--J Nahigian | .        | BOMA Issues                                    | 1.00       |
| 3/8/2007               | JBS--J Nahigian | .        | BOMA Issues                                    | 1.50       |
| 3/9/2007               | JBS--J Nahigian | .        | conference call and prep                       | 1.00       |
| 4/26/2007              | JBS--J Nahigian | .        | review BOMA settlement, e-mail to Hayley       | 0.75       |
| 5/3/2007               | JBS--J Nahigian | .        | discuss settlement w/hayley                    | 0.50       |
| 5/10/2007              | JBS--J Nahigian | .        | assist w/data request                          | 1.50       |
| 5/15/2007              | JBS--J Nahigian | .        | data request to PG&E, BOMA                     | 1.00       |
| 5/21/2007              | JBS--J Nahigian | .        | assist w/ comments on BOMA settlement          | 2.75       |
| 5/22/2007              | JBS--J Nahigian | .        | assist w/ comments on BOMA settlement          | 0.75       |
| 5/25/2007              | JBS--J Nahigian | .        | read comments                                  | 1.00       |
| 7/24/2007              | JBS--J Nahigian | .        | review PG&E study                              | 1.25       |
| 7/26/2007              | JBS--J Nahigian | .        | conference call on PG&E study                  | 1.00       |
| Total: 2007            |                 |          |  | 44.00      |
| Total: JBS--J Nahigian |                 |          |  | 58.00      |
| Grand Total            |                 |          |  | 145.67     |

## **APPENDIX C**

### **EXPENSES**

11/6/2007  
4:38 PM

Expenses.

Page 1

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Selection Criteria

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Acti.Nickname 1 Begins with: \$  
Case #/name (ha Include: A06-03-005

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| Date                              | Activity      | Description   | Billed          |
|-----------------------------------|---------------|---|-----------------|
| <u>Activity: \$Auto/Park/Toll</u> |               |   |                 |
| 4/17/2007                         | Parking/Tolls | Parking, Tolls, Fees BART   | \$11.00         |
| Total: \$Auto/Park/Toll           |               |   | \$11.00         |
| <u>Activity: \$Cons Travel</u>    |               |   |                 |
| 4/17/2007                         | Cons. Travel  | Automobile Travel   | \$75.00         |
| Total: \$Cons Travel              |               |   | \$75.00         |
| <u>Activity: \$Copies</u>         |               |   |                 |
| 5/22/2007                         | Photocopies   | Contesting the Commercial Building Master Meter Settlement Agreement 2cc x 48pp | \$19.20         |
| 11/2/2006                         | Photocopies   | Prepared testimony of Bill Marcus and Mike Florio; 78 pgs x 1 cc                | \$15.60         |
| 5/26/2006                         | Photocopies   | NOI; 8cc x 7pp  | \$11.20         |
| Total: \$Copies                   |               |   | \$46.00         |
| <u>Activity: \$Lexis Research</u> |               |   |                 |
| 5/15/2007                         | Lexis Nexis   | LexisNexis May Invoice  | \$89.86         |
| Total: \$Lexis Research           |               |   | \$89.86         |
| <u>Activity: \$Phone</u>          |               |   |                 |
| 1/15/2007                         | Phone/Fax     | Sprint Invoice; \$3.84  | \$3.84          |
| 2/15/2007                         | Phone/Fax     | Sprint Invoice; \$7.68  | \$7.68          |
| 4/15/2007                         | Phone/Fax     | Sprint Invoice; \$0.29  | \$0.29          |
| 3/15/2007                         | Phone/Fax     | Sprint Invoice; \$2.75  | \$2.75          |
| 6/15/2007                         | Phone/Fax     | Sprint Invoice; \$0.26  | \$0.26          |
| 2/5/2007                          | Phone/Fax     | Conference Depot  | \$16.35         |
| 5/15/2007                         | Phone/Fax     | Sprint Invoice; \$3.33  | \$3.33          |
| 2/2/2007                          | Phone/Fax     | Conference Depot  | \$12.15         |
| 10/15/2006                        | Phone/Fax     | Sprint Invoice; \$1.12  | \$1.12          |
| Total: \$Phone                    |               |   | \$47.77         |
| <b>Grand Total</b>                |               |   | <b>\$269.63</b> |

CERTIFICATE OF SERVICE

I, Larry Wong, certify under penalty of perjury under the laws of the State of California that the following is true and correct:

On November 6, 2007 I served the attached:

**REQUEST OF THE UTILITY REFORM NETWORK  
FOR AN AWARD OF COMPENSATION FOR  
SUBSTANTIAL CONTRIBUTION TO DECISION 07-09-004**

on all eligible parties on the attached lists to **A.06-03-005**, by sending said document by electronic mail to each of the parties via electronic mail, as reflected on the attached Service List.

Executed this November 6, 2007, at San Francisco, California.

\_\_\_\_\_/S/\_\_\_\_\_  
\_\_\_\_\_

Larry Wong



**Service List A.06-03-005**

|                                  |                 |
|----------------------------------|-----------------|
| act6@pge.com                     | agc@cpuc.ca.gov |
| ahk4@pge.com                     | am4@cpuc.ca.gov |
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